

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 21, 2001

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 21, 2001, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 35270-040201 adopted on April 2, 2001.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris and Mayor Ralph K. Smith-----
-----6.

ABSENT: Council Member W. Alvin Hudson-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; Gary Tegenkamp, Assistant City Attorney; Ann A. Shawver, Manager of Accounting Services; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church of Roanoke.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

PRESENTATIONS

ACTS OF ACKNOWLEDGMENT: The Mayor welcomed a delegation of Ukrainian professionals who are visiting the United States and focusing on environmental issues, with an interest in learning more about how industry and government work together to improve the environment and to gain information about the toxic release inventory system being implemented in the United States.

PROCLAMATIONS-HOSPITALS: The Mayor presented a Proclamation declaring Saturday, May 26, 2001 as Lifeguard 10 Day in the City of Roanoke.

(For full text, see Proclamation on file in the City Clerk's Office.)

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Meetings to discuss the performance of two Council-Appointed officers; to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City; and to discuss personnel matters with regard to vacancies on various authorities, boards, commissions and committees appointed by Council. The Mayor requested an additional closed session to discuss a personnel matter in regard to employment of a person by the City for a specific purpose, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

COMMITTEES-CITY COUNCIL: A communication from Council Member

C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a personnel matter with regard to the performance of two Council-Appointed officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request to convene in a Closed Meeting to discuss a personnel matter with regard to the performance of two Council-Appointed officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

PURCHASE/SALE OF PROPERTY-CITY MANAGER: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a matter with regard to acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.1-344 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

INDUSTRIES-SALE/PURCHASE OF PROPERTY-CITY PROPERTY: A communication from the City Manager advising that during the grading and development of three new sites (Tracts A, B and F), in the Roanoke Centre for Industry and Technology (RCIT), two adjoining property owners have requested small portions of real property to be conveyed to adjoining property owners; i.e.: Blue Hills Golf Corp. and Anderson Wade Douthat, et al, was before the body.

The City Manager recommended that she be authorized to advertise a public hearing on the disposition of surplus property and, lacking any comments to the contrary, execute all necessary agreements and other documents to convey real property owned by the City of Roanoke (Grantee is to be responsible for all title work, surveying, plat preparation, and preparation of legal documents), subject to certain terms and conditions acceptable to the City Manager, as follows:

Blue Hills Golf Corp., approximately 14,000 square feet of property; and

Anderson Wade Douthat, et al, approximately 12,000 square feet of property.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the recommendation of the City Manager. The motion seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

COMMITTEES-ROANOKE ARTS COMMISSION: A communication from Lu Jean Bedard tendering her resignation as a member of the Roanoke Arts Commission, effective immediately, was before Council.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

COMMITTEES-CITY MANAGER-OATHS OF OFFICE-HOUSING/AUTHORITY-COMMUNITY PLANNING-ROANOKE ARTS COMMISSION: The following reports of qualification were before Council:

Rolanda A. Johnson as Assistant City Manager, effective May 1, 2001;

Brenda A. Powell as a member of the Fair Housing Board for a term ending March 31, 2004; and

Alfred T. Dowe and Richard A. Rife as members of the City Planning Commission for terms ending December 31, 2004.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

Mr. Harris moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a personnel matter relating to employment of a person by the City for a specific public purpose, pursuant to Section

2.1-344(A)(1), Code of Virginia (1950), as amended, was before the body.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss a personnel matter relating to employment of a person by the City for a specific public purpose, pursuant to Section 2.1-344(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

REGULAR AGENDA

HEARING OF CITIZENS UPON PUBLIC MATTERS:

INDUSTRIES-ECONOMIC DEVELOPMENT: Camille Lounds, Director, Virginia Highlands Film Office, advised that the film industry is a \$50 billion per year business. She stated that her office is working on four movies for the area, following approval by the publicity departments of the production agencies, announcements will be made; and she is currently negotiating with Vogue Magazine on a fashion photo shoot to take place in the City Market area. She advised that the economic impact by the film industry is immense and a major feature film could generate \$100,000.00 per day into the economy of the Roanoke Valley, and she has visited abroad on several occasions promoting the Commonwealth of Virginia to the film industry. She explained that three regional film offices will be established in Virginia: a state office, a central office and a regional office. In summary, she stated that in the near future, she will submit a funding request to the City of Roanoke.

Without objection by Council, the Mayor advised that the remarks of Ms. Lounds would be received and filed.

PETITIONS AND COMMUNICATIONS:

BUDGET-GRANTS-SCHOOLS: A communication from the Roanoke City School Board requesting that Council close-out 46 school grants that have been

completed, with outlays totaling \$11,736,173.02, was before the body.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. Harris moved that Council concur in the request. The motion was seconded by Mr. Carder and adopted.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate the following funds:

\$780,210.00 from the 2000-01 Capital Maintenance and Equipment Replacement Fund, to provide monies for textbook adoptions, administrative technology requests, school bus replacement, facility maintenance equipment, school plants radios, school playground improvements, maintenance vehicle replacement, cafeteria table replacement, roof replacement, and elementary school improvement.

\$36,459.00 for the Summer Youth Employment Program for the summer of 2001, to provide training and hands-on experience for disadvantaged or handicapped youth from the inner City, with the goal of enhancing employment potential, developing employment competencies, and earning academic credit toward a high school diploma, 100 per cent to be reimbursed by Federal funds.

\$5,000.00 for the Western Virginia Regional Science Fair; participating school districts contribute toward the cost of the fair, with a local match cost to Roanoke City; and the additional appropriation request represents fees received for the continuing program.

A report of the Director of Finance recommending that Council concur in the request was also before the body.

(For full text, see communication and report on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35346-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and School Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35346-052101. The motion seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Carder, Harris, and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Bestpitch was out of the Council Chamber when the vote was recorded.) (Council Member Hudson was absent.)

BONDS-VIRGINIA TECH-LOANS: A communication from Charles P. Shimer, representing the Industrial Development Authority of Montgomery County, requesting concurrence in a resolution adopted by the Authority and approval of a loan for the benefit of Virginia Tech Foundation, Inc., to assist in financing a portion of the cost of acquiring a two-acre parcel of land and construction of an 11,000 square foot building located at 121 Duke of Gloucester Street in the City of Roanoke to be owned by the Foundation and used by its WVTF Radio Station, with other portions of the proceeds to be used to finance facilities in Blacksburg and Alexandria; was before Council.

(For full text, see communication and supporting documents on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35347-052101) A RESOLUTION concurring in the Montgomery Authority Resolution and approving the issuance of Bonds through the Industrial Development Authority of Montgomery County, in a principal amount not to exceed \$2,700,0000.00 with respect to the Roanoke Project, for the benefit of the Virginia Tech Foundation, Inc., as required by Section 147(f) of the Internal Revenue Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, to assist in the financing of the Roanoke Project.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35347-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris,

and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that construction of the Roanoke River Interceptor Sewer Replacement project was completed in June 2000 and portions of the old sewer line remain in service; the City's contract with Black & Veatch, Consulting Engineers, remains open to determine if and how any of the old sewer line should continue to be used in connection with the new interceptor line; and it is necessary to perform a television inspection of the old sewer line to locate any remaining service connections, locate improper connections and to assess the condition of the pipe for possible rehabilitation at a future time.

It was further advised that an amendment has been negotiated with Black & Veatch, in the amount of \$75,000.00, to prepare bidding documents for television inspection and to provide an evaluation of the feasibility of rehabilitating the old sewer line.

The City Manager recommended that she be authorized to execute Amendment No. 5 with Black & Veatch, in the amount of \$75,000.00; and that Council authorize transfer of \$75,000.00 from Roanoke River Interceptor, Account No. 003-056-8485, to a new account entitled, Roanoke River Interceptor Sewer Rehabilitation.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following emergency ordinance:

(#35348-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Sewage Treatment Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35348-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Mr. White offered the following resolution:

(#35349-052101) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 5 to the City's contract with Black & Veatch to perform a television inspection of the old sewer line to locate any remaining service connections, locate improper connections and to assess the condition of the pipe for possible rehabilitation at a future time for the Roanoke River Interceptor Sewer Project.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. White moved the adoption of Resolution No. 35349-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

BUDGET-SIDEWALK/CURB AND GUTTER: The City Manager submitted a communication advising that H. & S. Construction Company was awarded a contract, in the amount of \$644,350.00 on a unit price basis at the June 22, 2000 meeting of Council, to provide new sidewalk and curbs on various streets to be designated within the City; and two blocks located on the south side of Cove Road, N. W. were designated in the contract and have been completed.

It was further advised that the contract is still open and the contractor has agreed to unit prices in Phase V-A to complete the remaining portion of the south

side of Cove Road, N. W. between Abbott Street and Hershberger Road; and construction should begin as soon as all property rights are acquired by the City.

The City Manager recommended that she be authorized to execute Change Order No. 1, in the amount of \$75,000.00 and 90 additional days of contract time, with H. & S. Construction Company for completion of curb, gutter and sidewalk on the south side of Cove Road, N. W. between Abbott Street and Hershberger Road; and that Council appropriate \$75,000.00 to Account No. 008-052-9608-9003, New Concrete Sidewalks, Entrances and Curb – Phase V-A.

(For full text, see communication on file in the City Clerk's Office.)

Mr. White offered the following emergency ordinance:

(#35350-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35350-052101. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Mr. White offered the following emergency ordinance:

(#35351-052101) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 1 to the City's contract with H. & S. Construction Company for the completion of curb, gutter and sidewalk on the south side of Cove Road, N. W. between Abbott Street and Hershberger Road for the New Concrete Sidewalks, Entrances and Curb Phase V-A Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. White moved the adoption of Ordinance No. 35351-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

BUDGET-BRIDGES: The City Manager submitted a communication advising that Memorial Bridge has substantially deteriorated since the 1998 inspection and currently needs more than \$1,000,000.00 in concrete repairs and rehabilitation; engineering services are required to detail the extent of the repairs; after proper advertisement, consultant qualification proposals were received on March 2, 2001; a Selection Committee selected the firm of Hayes, Seay, Mattern & Mattern, Inc., as the most qualified firm for the proposed work; and a consultant contract has been negotiated in the amount of \$179,850.00.

The City Manager recommended that she be authorized to execute an Engineering Services Contract, in the amount of \$179,850.00, with Hayes, Seay, Mattern & Mattern, Inc., to provide preliminary design/investigation, final design and construction administration for rehabilitation of Memorial Bridge; and that Council authorize transfer of \$200,000.00 from Hunter Viaduct, Account No. 008-052-9636 to a new account to be established by the Director of Finance, entitled "Rehabilitation of Memorial Bridge".

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35352-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35352-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Mr. Harris offered the following resolution:

(#35353-052101) A RESOLUTION authorizing a contract with Hayes, Seay, Mattern & Mattern, Inc., for engineering services for providing preliminary design/investigation, final design, and contract administration for the rehabilitation of Memorial Bridge.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35353-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

BUDGET-CITY EMPLOYEES-PERSONNEL LAPSE FUNDS: The City Manager submitted a communication advising that the adopted budget for fiscal year 2001 includes an estimated \$1,949,325.00 in salary lapse; salary lapse is the difference in budgeted City employee salaries and actual salaries and is created through normal employee attrition and the managed hiring and re-engineering efforts undertaken during the year by City staff; at year-end, salary lapse created in departments is credited against the budgeted total salary lapse figure and any excess salary lapse generated is spread throughout the various departments to cover annual payroll accrual and operational needs; and for fiscal year 2001, total estimated salary lapse is \$2,512,709.00.

The City Manager recommended that Council authorize the transfer of salary lapse funds between accounts as listed in Attachment A to the report.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35354-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35354-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

WRABA-SPECIAL SERVICE DISTRICT: The City Manager submitted a communication advising that the Williamson Road Area Business Association, Inc., (WRABA) entered into a contract to administer Special Service District (SSD) funds for the area on June 20, 1996 and the agreement has been renewed yearly; in the contract, WRABA is limited to using 60 per cent of Special Service District funds on overhead expenses; and when the contract was renewed in 2000, in a response to a request from the Association to remove the 60 per cent limitation, the City Manager suggested that the organization be polled to determine the overall support for the change by its membership.

It was further advised that 237 Special Service District paying members of the Williamson Road area were mailed a letter on February 6, 2001, requesting their permission to remove the 60 per cent limitation and it was clearly noted in the letter that if the ballot was not returned, it would be considered a vote for removal; each entity was given until March 6, 2001, to return the ballot; as of March 7, 2001, 47 returned the ballots, with only 19 voting to keep the restriction; accordingly, an amendment to the contract has been prepared to eliminate the 60 per cent restriction.

The City Manager recommended that she be authorized to execute an amendment to the present agreement dated June 20, 1996, between the City of Roanoke and the Williamson Road Area Business Association, Inc., (WRABA) to eliminate the restriction on the amount of Special Service District funds that may be expended on overhead by the Williamson Road Area Business Association.

(For full text, see communication on file in the City Clerk's Office.)

Ms. Wyatt offered the following emergency ordinance:

(#35355-052101) AN ORDINANCE authorizing execution of Amendment No. 1 to the Williamson Road Area Service District Services Agreement between the City

of Roanoke and the Williamson Road Area Business Association, Inc. (WRABA), which will delete the restriction in such Agreement regarding overhead expenses; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Ms. Wyatt moved the adoption of Ordinance No. 35355-052101. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

COURT COMMUNITY CORRECTIONS BOARD: The City Manager submitted a communication advising that the General Assembly amended state law, Code of Virginia (1950), as amended, Section 53.1-183, effective July 1, 2001, to change the required membership of the Regional Community Criminal Justice Board; and the statute no longer requires that a person from each governing body or city or county manager or deputy city or county manager be appointed, but only that a person representing the governing body be appointed.

It was further advised that the current Board is changed only in that Judge Weckstein will replace Judge Honts, Chief Lavinder of the Roanoke County Police Department has been added, and Chief Gaskins will replace George C. Snead as the City's representative; and the Board will be comprised of up to 25 members.

The City Manager recommended that Council adopt a resolution and appoint A. L. Gaskins to the Court Community Corrections Regional Community Criminal Justice Board and reconstitute the Board with the appointments as set forth in the resolution.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35356-052101) A RESOLUTION of the Council of the City of Roanoke, establishing, by joint action of the Boards of Supervisors of the Counties of Alleghany, Bath, Botetourt, Craig, Roanoke and Rockbridge, and the City Councils

of the Cities of Buena Vista, Covington, Lexington, Roanoke, and Salem, the membership of the Court-Community Corrections Regional Community Criminal Justice Board to serve the region composed of those Counties and Cities.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35356-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

CITY ATTORNEY:

BRIDGES: The City Attorney submitted a written report advising that by letter dated April 16, 2001, the City Manager concurred in the recommendation of the Bid Committee that Council accept the bid of Lanford Brothers Co., Inc., for making various repairs to four bridges within the City; and consistent with the recommendation, Council adopted a measure which accepted the bid and authorized the City Manager to execute appropriate documents for the work.

It was further advised that due to an error in drafting, Council's action was taken in the form of a resolution; however, the City Charter requires that the action be taken by ordinance; whereupon, the City Attorney recommended that Council adopt an ordinance retroactive to April 16, 2001.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following emergency ordinance:

(#35357-052101) AN ORDINANCE repealing and replacing Resolution No. 35285-041601; accepting the bid of Lanford Brothers Company, Incorporated, for making various repairs to four bridges within the City, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; establishing an effective date; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35357-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

PARKS AND RECREATION: The City Attorney submitted a written report advising that by letter dated April 16, 2001, the City Manager concurred in a recommendation of the Bid Committee that Council accept the bid of Breakell, Inc., for certain improvements to City park softball/baseball fields; and consistent with the recommendation, Council adopted a measure which accepted the bid and authorized the City Manager to execute appropriate documents for the work.

It was further advised that due to an error in drafting, Council's action was taken in the form of a resolution; however, the City Charter requires that the action be taken by ordinance; whereupon the City Attorney recommended that Council adopt an ordinance retroactive to April 16, 2001.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35358-052101) AN ORDINANCE repealing and replacing Resolution No. 35286-041601; accepting the bid of Breakell, Inc., for making ballfield improvements at two parks within the City, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for such work; establishing an effective date; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35358-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

BUDGET-PURCHASE/SALE OF PROPERTY-RAILSIDE LINEAR WALK: The Assistant City Attorney submitted a written report on behalf of the City Attorney advising that the City has been negotiating for several months with the owners of Official Tax Nos. 1010306 and 1010307, located at 119 and 117 Norfolk Avenue, S. W., respectively, to purchase the property; portions of the property are needed for the City's Railside Linear Park, and the remainder of the property would be used by the City to promote economic development; after protracted negotiations, the property owners have agreed to sell the property to the City for \$636,000.00, and agreed to close on the property and convey same to the City on June 1, 2001, with \$50,000.00 of the purchase price to be disbursed at closing; the property owners would like to retain possession of the building for 150 days after closing, with the balance of the purchase price to be paid upon vacation of the premises; during the hold over period, the property owners essentially would be tenants of the City, and would be required to provide the City with insurance, to continue to pay utilities, and to be responsible for all other things normally expected of a tenant; and during this hold over period, the City could undertake the necessary work that needs to be done on the premises for the Railside Linear Park Project, and the building would be available for the City to show to economic development prospects.

The City Attorney transmitted an ordinance for consideration by Council.

(For full text, see report on file in the City Clerk's Office.)

Mr. Bestpitch offered the following emergency ordinance:

(#35359-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35359-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, and Harris-----5.

NAYS: None-----0.

(Mayor Smith abstained from voting.) (Council Member Hudson was absent.)

Mr. Bestpitch offered the following ordinance and dispensing with the second reading:

(#35360-052101) AN ORDINANCE authorizing the proper City officials' execution of an Agreement for Purchase and Sale of Real Estate, providing for the City's acquisition of certain property, bearing Official Tax Nos. 1010306 and 1010307, at 119 and 117 Norfolk Avenue, respectively, from Robert E. Zimmerman and Lynn F. Zimmerman, which property is needed by the City for the Railside Linear Park - Phase I Project; approving the purchase price to be paid for such property and authorizing acceptance of a deed conveying such property to the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35360-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, and Harris-----5.

NAYS: None-----0.

(Mayor Smith abstained from voting.) (Council Member Hudson was absent.)

REPORTS OF COMMITTEES:

BUDGET -WATER RESOURCES-SEWERS AND STORM DRAINS: Vice-Mayor William H. Carder, Member, Bid Committee, presented a written report on behalf of the Committee, advising that there are two drop inlets on Yellow Mountain Road, near the intersection with Garden City Boulevard, that collect stormwater runoff from Yellow Mountain Road; the inlets release the collected water onto private properties which do not drain naturally, therefore, stormwater ponds near homes and businesses located on the properties; in order to redirect the runoff, the existing storm drain system on Yellow Mountain Road needs to be connected to another existing storm drain system; and construction plans have been completed to connect the inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street.

The Bid Committee recommended that the City Manager be authorized to enter into a contractual agreement with Virginia Infrastructure, Inc., in the amount of \$80,236.00 and 120 consecutive calendar days to construct the Garden City Storm Drain Project Phase 7; that Council authorize transfer of \$89,000.00 from Public Improvement Bond Series 1996, Account No. 008-052-9701-9176, to Garden City Phase 7, Account No. 008-052-9693; and reject all the other bids received by the City.

The City Manager submitted a statement of concurrence in the recommendation of the Bid Committee.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35361-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35361-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Mr. Bestpitch offered the following emergency ordinance:

(#35362-052101) AN ORDINANCE accepting the bid of Virginia Infrastructure, Inc., to connect the inlets on Yellow Mountain Road to an existing storm drain system on Melcher Street in connection with the Garden City Storm Drain Project - Phase 7, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35362-052101. The motion

was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

RECYCLING: A report of the Bid Committee in connection with provision of recycling services for paper, bottle and can commodities, was withdrawn by Vice-Mayor Carder on behalf of the Bid Committee.

BUDGET-STREETS AND ALLEYS: Vice-Mayor William H. Carder, Member, Bid Committee, presented a written report on behalf of the Committee, advising that three bids for the 2001 Street Paving Program were received on May 1, 2001, and referred to the Bid Committee for review and report to Council; whereupon, the Bid Committee recommended that Council approve the following actions:

Accept the bid of Adams Construction Company and authorize the City Manager to enter into a contractual agreement with Adams

Construction Company, in the amount of \$ 1,969,602.91 (which includes Alternate 1), in a form to be approved by the City Attorney.

Appropriate \$420,000 .00 in CMERP funding (\$350,000.00 for Street Paving and \$70,000.00 for Public Works Service Center Paving) to Street Paving Account No. 001-530-4120-2010.

Appropriate \$35,000.00 in CMERP funding to a new Capital account to be entitled Public Works Service Center Improvements.

Increase the revenue estimate by \$197,949.00 in Street Maintenance Revenue, Account No. 001-110-1234-0650, and appropriate to Street Paving, Account No. 001-530-4120-2010.

Transfer \$100,000.00 from Street Paving, Account No. 001-530-4120-2010, to a new Capital account to be entitled Lincoln 2000 Project.

Transfer \$100,000.00 from Street Paving, Account No. 001-530-4120-2010, to Greater Gainsboro Infrastructure Improvements, Account No. 008-410-9625.

Reject all other bids received by the City.

The City Manager submitted a statement of concurrence in the recommendation of the Bid Committee.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35363-052101) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35363-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Mr. Bestpitch offered the following emergency ordinance:

(#35364-052101) AN ORDINANCE accepting the bid of Adams Construction Company for paving and profiling of various streets, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Bestpitch moved the adoption of Ordinance No. 35364-052101. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

WATER RESOURCES-SEWERS AND STORM DRAINS-FEE COMPENDIUM:
Ordinance No. 35320, in connection with a rate structure for septic tank disposal fees and certain water rates, having previously been before the Council for its first reading on Monday, May 7, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Harris offering the following for its second reading and final adoption:

(#35320-052101) AN ORDINANCE changing the rate structure and establishing a revised rate schedule for septic tank disposal fees and for certain water rates and related charges for services provided by the City effective August 1, 2001; and directing amendment of the Fee Compendium.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35320-052101. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Bestpitch, Carder, Harris, and Mayor Smith-----5.

NAYS: Council Member Wyatt-----1.

(Council Member Hudson was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

SCHOOLS: Vice-Mayor Carder commended the Roanoke City School Board and School officials on a recently conducted tour of City schools for real estate agents of the Roanoke Valley.

BUDGET-GRANTS: Council Member Bestpitch advised that he has a conflict of interest with regard to Resolution No. 35319-050701, which was adopted by Council on Monday, May 7, 2001, that authorizes the City Manager to submit an

approved annual update to the HUD Consolidated Plan for Fiscal Year 2001-2002, which Plan includes funding for the YMCA. Inasmuch as his spouse is employed by the YMCA, he requested that he be permitted to change his affirmative vote to an abstention.

Mr. Bestpitch moved that Council concur in his request to change his affirmative vote on Resolution No. 35319-050701 to an abstention. The motion was seconded by Ms. Wyatt and adopted.

SHERIFF-CITY JAIL-FIRE DEPARTMENT: Council Member Wyatt acknowledged the contributions of the Sheriff's Office and City Jail inmates in connection with construction of the new joint training facility for Fire and EMS personnel.

ACTS OF ACKNOWLEDGEMENT-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: Council Member White requested that the matter of acknowledging the contributions of Deborah Moses, Executive Director, Hotel Roanoke Conference Center, and others, in connection with resolving construction problems at the Hotel Roanoke Conference Center be referred to the City Manager, City Attorney and City Clerk for preparation of the proper measure for consideration by Council at its regular meeting on Monday, June 4, 2001.

TRAFFIC-STATE HIGHWAYS: Mr. Harris moved that Council reaffirm its opposition to the proposed routing of I-73 through the southeast quadrant of the City, and that the City Manager be instructed to communicate the position of Council to the appropriate Virginia Department of Transportation officials and to the City's representatives to the General Assembly. The motion was seconded by Mr. White and adopted, Mayor Smith voted no.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: None

At 3:15 p.m. the Mayor declared the meeting in recess to be immediately reconvened in the City Council's Conference Room, for the purpose of conducting a staff briefing with regard to Regional Refuse Collection.

At 3:20 p.m., the Council meeting reconvened in the Council's Conference Room, with all Members of the Council in attendance, except Council Member Hudson, Mayor Smith presiding.

REFUSE COLLECTION-RECYCLING: The City Manager recognized Sherman Stovall, Planning and Support Services Supervisor, for a status update on regional refuse collection.

Mr. Stovall advised that during fiscal year 1995-96, a comprehensive study of refuse collection was conducted by City staff, the focus of the study was on enhancing the efficiency and cost effectiveness of residential refuse collection; a recommendation was made to transition from manual collection to automated and semi-automated collection; and a study team from Roanoke City and Roanoke County considered regional refuse collection.

He further advised that a decision was made to defer further study of regional refuse collection to allow Roanoke to move forward with automated and semi-automated collection, since Roanoke City and Roanoke County would be using the same collection method; the transition to automated and semi-automated collection was implemented in two phases beginning in fiscal year 1997-98, with no change in collection points and a savings totaling \$569,000.00.

Mr. Stovall noted that the regional study team resumed the evaluation of regional refuse collection during fiscal year 1999-2000; the team consisted of representatives from the City of Roanoke, Roanoke County, the Town of Vinton and the Roanoke Valley Resource Authority; the consulting firm of R. W. Beck was engaged to evaluate current solid waste collection practices, to identify strategies to improve existing services and to assist with the development of a regional service delivery model; and a regional cost model has been developed including manpower/staffing requirements, equipment requirements and facility requirements.

It was explained that a total of 64,118 residents will be served; and key assumptions by the study team are:

Roanoke Valley Resource Authority will be the service provider, including maintaining vehicles.

No change in service frequency.

Maximize the number of curbside collection points.

Manpower/staff requirements will include a sufficient backup compliment.

Vehicle requirements will include a sufficient backup compliment.

Each jurisdiction will transfer collection vehicles to the Roanoke Valley Resource Authority.

Vehicles will be replaced based on useful life.

It was noted that incremental cost for the City is: \$220,338.00 - collection and \$446,573.00 - capital; and collection cost factors are:

Continued fixed overhead expenses associated with commercial, Central Business District and Recycling collection services; additional compliment of back up staff of approximately ten positions; and savings from route optimization and maximization of curbside collection points reallocated to bulk/brush collection which is more labor intensive; capital cost factors include debt service for the construction of a vehicle maintenance facility; and replacement of vehicles based on useful life since vehicles are currently replaced when the cost of maintenance exceeds the value of the vehicle.

In conclusion, the City Manager advised that while other areas of regional cooperation exist in the Roanoke Valley, it is believed that the considerations associated with regional refuse collection do not meet Council's vision for effective government.

There being no questions or discussion, without objection by Council, the Mayor advised that the status report would be received and filed.

At 3:40 p.m., the Mayor declared the meeting in recess for four closed sessions.

At 6:58 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Member Hudson, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public

business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

At 7:00 p.m., the Mayor declared the Council meeting in recess to be reconvened immediately for the 7:00 p.m. session of Council, in the City Council Chamber.

On Monday, May 21, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris and Mayor Ralph K. Smith-----6.

ABSENT: Council Member W. Alvin Hudson, Jr.-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; Gary Tegenkamp, Assistant City Attorney; Ann A. Shawver, Manager of Accounting Services; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of John G. Moore, Jr., that a tract of land lying at 1901 Memorial Avenue, S. W., being a portion of Lot 15, Block 5, Section 1, Virginia Heights, Official Tax No. 1330303, be rezoned from C-1, Office District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavits on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the property is located at the corner of Memorial Avenue and Denniston Avenue and contains a residential structure that was converted to a business/residential use; there is an art gallery and framing business on the first floor and the second floor is used as a residence; the owner was granted a special exception by the Board of Zoning Appeals to operate a personal service establishment, and the special exception was limited to three years and will soon expire; and rezoning the property to CN will allow operation of the business as a permitted use, was before Council.

The Planning Commission recommended that Council approve the request for rezoning.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35365-052101) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 133, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35365-052101. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council with regard to the request for rezoning. There being none, Ordinance No. 35365-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Without objection by Council, the Mayor declared the public hearing closed.

ROANOKE CIVIC CENTER-STADIUM-PURCHASE/SALE OF PROPERTY: Ms. Wyatt moved that the City Manager be authorized to negotiate the acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility (stadium and amphitheater), at a project cost not to exceed \$18 million, with a report back to Council on negotiations. The motion was seconded by Mr. Harris and adopted.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Oakley L. Covey that property located at the northwest corner of the intersection of Old Salem Road and Overland Avenue, S. W., located at 3233 Old Salem Road, Official Tax No. 5210402, be rezoned from LM, Light Manufacturing District, to RS-2, Single-Family Residential District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the property is currently zoned LM, Light Manufacturing and its current use is single-family residential, with a two-story home having been constructed in 1936; the property is

surrounded by commercial uses to the south and east, and residential uses to the north and west; current use of the property does not conform to its zoning and the petitioner's request is to maintain present use of the property; and traffic in the area would not be affected, was before Council.

The City Planning Commission recommended approval of the request for rezoning and advised that current use of the property is not in conflict with adjacent uses and will in the future, maintain the residential character of the neighborhood surrounding the property to the north; and rezoning of the parcel of land will also minimize potential land use conflicts that may arise in the neighborhood in the event of future commercial development.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35366-052101) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 521, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35366-052101. The motion was seconded by Mr. Carder.

Ross C. Hart, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to address Council with regard to the request for rezoning. There being none, Ordinance No. 35366-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Without objection by Council, the Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of CHS, Inc., and Moore's Lumber and Building Supplies, Inc., that a tract of land located on the north side of Franklin Road, S. W., at its intersection with Roberts Road, containing 7.2716 acres, more or less, Official Tax No. 1280602, be rezoned from C-2, General Commercial District, to LM, Light Manufacturing District, subject to certain proffered conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavits on file in the City Clerk's Office.)

A report of the City Planning Commission advising that on June 11, 2000, the property was rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain proffered conditions; a petition to rezone the property was filed on March 22, 2001, with the petitioner proposing to use the property for laundry services and the processing of hospital foods to local and regional hospitals; a second amended petition was filed on April 16, 2001; and a third amended petition was filed on May 3, 2001, subject to certain conditions, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35367-052101) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 128, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35367-052101. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address the matter; whereupon, the following persons spoke:

Steven J. Talevi, Assistant City Attorney, call attention to a petition signed by a number of citizens in opposition to the request for rezoning (20 per cent of adjoining property owners), the effect of which, under provisions of the City Charter, will require that five of the seven members of Council vote in favor of the request for rezoning if the rezoning is to be approved by Council.

Michael G. Ballantyne, representing the petitioner, advised that the property in question was zoned Light Manufacturing until last year when it was rezoned to commercial in anticipation of the development of an office complex; however, the real estate transaction did not occur, therefore, it is now requested that the zoning be changed back to Light Manufacturing to enable the property to be used for other projects.

John Christodoulides, Engineer, representing CHS, Inc., advised that the petitioner intends to convert the existing Moore's Distribution Center and Lumber Yard into a complex consisting of a centralized kitchen and laundry service building and warehouse. He stated that a reduction in traffic is projected, the proposed development is compatible with plans of the City of Roanoke for development in the area, and facilities will be introduced into the community that are state-of-the-art.

Ms. Christene Helms, 2951 Roberts Road, S. W., presented a petition signed by 70 persons in opposition to the request for rezoning, and expressed concern in regard to problems associated with water pressure, traffic and noise.

Michael Waldvogel, 3526 Penarth Road, S. W., spoke in opposition to the request for rezoning, and advised that the property was previously zoned Light Manufacturing District, conditioned upon its use for retail purposes, and the proposed use represents an inappropriate insertion of industrial use into a stable residential and commercial neighborhood. He explained that no Light Manufacturing zoned land currently exists on Franklin Road south of the railroad trestle at Brandon Avenue and the property proposed to be rezoned does not adjoin a Light Manufacturing or a Heavy Manufacturing District, but is surrounded by residential C-1 and C-2 uses. He stated that the proposal before Council is clearly spot zoning and will not benefit the area or the City of Roanoke, and the proposed rezoning is inconsistent with the City's Comprehensive Plan which does not identify the area as a site for future industry.

Mr. Mark Hall, 3475 West Ridge Road, S. W., advised that CHS, Inc., has placed restrictions on the request for rezoning to satisfy the concerns of residents of the area. He stated that the proposed operation will be fully enclosed, therefore, noise should not be an issue. He explained that the proposed facility is a continuation of the extension of the bio-med research facility on Jefferson Street, and there is the possibility of four businesses benefitting from the rezoning by relocating their facilities to the building formerly used by Carilion for its laundry service.

Mr. Calvert L. Saunders, Vice President, Moores Lumber and Building Supplies, Inc., spoke in support of the request for rezoning. He advised that Moore's is relocating its operation to Aerial Way Drive, therefore, sale of the property is critical. He stated that traffic on Franklin Road will be significantly reduced due to the relocation of Moore's.

Mr. W. Jackson Burrows, 325 Willow Oak Drive, S. W., spoke in support of the request for rezoning and advised that under the proposal of Carilion, two self-contained buildings will be constructed, there will be no outside storage, the Roberts Road entrance will be closed to vehicular traffic, traffic will be decreased, the noise factor will be less, two existing businesses that are located in the bio-med center area could be relocated, space currently used by Carilion in the hospital facility for food preparation would be available for other use, existing landscaping on Roberts Road would be enhanced, and there would be no impact on lighting. He stated that the proposal would be an improvement to the area and recommended its approval by Council.

Mr. Bob Crawford, 2431 Stanley Avenue, S. E., advised that the proposed use by Carilion is much less intrusive than the current use. He stated that the price of the land, which is extremely high, precludes development, whether it be medical or retail office, which leaves only a user such as CHS, Inc., whose needs relate to productivity and/or efficiency increases as opposed to a real estate investor. He advised that Carilion has proposed a responsible and maintainable use of the property which will be a bench mark of the community for a long time to come, and residents of the area do not have anything to fear as a result of the proposed use.

Mr. Peter White, 2615 Rosalind Avenue, S. W., President, Neighbors in South Roanoke, advised that the proposed rezoning represents spot zoning. He called attention to four reasonable thought processes that should be taken into consideration when making a decision: (1) the neighborhood does not want the facility; (2) traffic counts will increase due to the clientele to be served by Carilion; (3) the facility is inconsistent with the fabric of the neighborhood and not in conformance with the City's Comprehensive Plan; and (4) what started out as a

proposal to serve nine hospitals and no more than 800 patients will not encompass jails, health groups, and schools. He added that the proposed use is not the correct utilization of the property, it constitutes spot zoning and requested that Council consider the ramifications of the proposed use and exercise the wisdom and courage to reject the request for rezoning.

No other persons wishing to be heard, Ordinance No. 35367-052101 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris and Mayor Smith--5.

NAYS: None-----0.
(Council Member White abstained from voting.) (Council Member Hudson was absent.)

Without objection by Council, the Mayor declared the public hearing closed.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen input on a proposed conveyance of City-owned property identified as Official Tax Nos. 1010402 and 1010403, located at 143 Salem Avenue, S. W., to Roanoke Downtown Properties, LLC, or its assigns, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, May 13, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager advising that the City of Roanoke has been working through Roanoke Downtown Properties, LLC, with a confidential economic development prospect to expand its operations in downtown Roanoke, which expansion will result in approximately \$26 million in new investment (\$8 million in new building and \$18 million in new equipment) and in order to assist in the assemblage of property necessary for the expansion, two City owned parcels of land, Official Tax Nos. 1010402 and 1010403, currently used for parking, need to be conveyed to Roanoke Downtown Properties, LLC.

The City Manager recommended that Council conduct the public and at a later meeting, authorize the City Manager to execute an assignable option agreement to convey the two parcels of land to Roanoke Downtown Properties, LLC, for consideration in the amount of \$100.00 and other good and valuation consideration.

(For full text, see communication on file in the City Clerk's Office.)

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, no person asked to be heard.

The Mayor called for discussion by Council. There being none, he advised that no action is being requested of the Council at this time; therefore, without objection by Council, he declared the public hearing closed.

BUILDINGS-ZONING-CITY CODE: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a proposed amendment to Section 7-1, Penalty for violations of chapter, Section 7-3, Building commissioner appointed enforcing official, and Subsections (a) and (b) of Section 7-45, Appeals, of Chapter 7, Building Regulations; and amending subsection (d) of Section 36.1-327, Historic district regulations; certificate of appropriateness, and subsection (f) of Section 36.1-345, District regulations; certificate of appropriateness, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for code officials responsible for inspections under, and enforcement and administration of, the property maintenance code and all other codes within the Building Code, and the delegation of authority of those officials, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a communication advising that authority to administer the Virginia Uniform Statewide Building Code (USBC), including the Building Maintenance Code (BMC), is assigned by the USBC to a "code official"; Section 7-3 of the City Code designates the City's Building Commissioner as the City's Building Code Official; however, the USBC allows a separate official to be designated as the code official responsible for enforcement of the Building Maintenance Code.

It was further advised that prior to April, 2000, the Building Maintenance Code and the rest of the Unified Statewide Building Code was administered by the Building Department, headed by the Building Commissioner; enforcement responsibility for the Building Maintenance Code has been moved from the Building Department to the newly-formed Department of Housing and Neighborhood Services; in order to align legal authority to administer the Building Maintenance Code with the City's current

organizational structure, changes in the City Code are needed to authorize the designation of a code official responsible for enforcement of the Building Maintenance Code and to assign specific responsibilities currently held by the Building Commissioner to that official; and the manager of the office administering the Building Maintenance Code has the certification required by the Commonwealth of Virginia.

It was further advised that included in the amendments are two changes to the Zoning Ordinance regarding historic districts; and the City Planning Commission held a public hearing regarding the proposed amendments on April 19 and recommended approval of the amendments as submitted.

The City Manager recommended that Council amend Chapters 7 and 36.1 of the Code of the City of Roanoke (1979), as amended, to authorize appointment of a Building Maintenance Code official, and assignment of specific responsibilities and authority to the Building Maintenance Code Official and to the Building Code Official.

A report of the City Planning Commission recommending approval of the proposed amendments, was also before Council.

(For full text, see reports on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35368-052101) AN ORDINANCE amending §7-1, Penalty for violations of chapter, §7-3, Building commissioner appointed enforcing official, and subsections (a) and (b) of §7-45, Appeals, of Chapter 7, Building Regulations; and amending subsection (d) of §36.1-327, Historic district regulations; certificate of appropriateness, and subsection (f) of §36.1-345, District regulations; certificate of appropriateness, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for code officials responsible for inspections under, and enforcement and administration of, the property maintenance code and all other codes within the building code, and the delegation of authority of those officials; and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35368-052101. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address

Council with regard to the matter . There being none, Ordinance No. 35368-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Without objection by Council, the Mayor declared the public hearing closed.

CITY CODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke on a proposed amendment of Division 5, Special District Regulations, of Article III, District Regulations, by the addition of a new subdivision entitled Subdivision H, INPUD, Institutional Planned United Development District; and amending Section 36.1-562, Standards, of Division 12, Group Care Facilities, of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that Roanoke's Zoning Ordinance currently provides for two Planned Unit Development (PUDs) Districts: RPUD, Residential Planned Unit Development District, and IPUD, Industrial Planned Unit Development District (IPUD); the RPUD district provides for mixed residential and commercial uses; and the IPUD district provides for mixed industrial and commercial uses.

It was further advised that the INPUD, Institutional Planned Unit Development District, is proposed to address the gap between these districts by providing for institutional uses, mixed commercial uses, residential, and industrial uses in accordance with an adopted institutional development plan; and, in addition to the amendment establishing the INPUD District, an additional amendment to the Group Care Facility section of the Zoning Ordinance is proposed in order to include standards for group care facilities in an INPUD district.

It was explained that on December 18, 2000, Council referred the matter back to the City Planning Commission for further study due to questions regarding development plan requirements and provisions for group care facilities; and the following changes are proposed:

Residential uses are allowed as a permitted use.

Group care facilities are included as a permitted use in the INPUD district. Standards for these facilities are set forth in Section 36.1-560 et seq of the Zoning Ordinance. (Note that there is no 1,500 foot distance requirement between facilities because the location of proposed facilities must be approved at the time the INPUD is reviewed, or later by the Planning Commission.)

Underground utilities are not a requirement.

Application requirements have been revised to provide that if a building location or use is not known at the time of application, the future development of the location must be approved by the Planning Commission.

The City Planning Commission recommended that Council approve the proposed INPUD District regulations.

(For full text, see report on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35369-052101) AN ORDINANCE amending Division 5, Special District Regulations, of Article III, District Regulations, by the addition of a new subdivision entitled Subdivision H, INPUD, Institutional Planned Unit Development District; and amending of §36.1-562, Standards, of Division 12, Group Care Facilities, of Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for a new institutional planned unit development district; and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35369-052101. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter . There being none, Ordinance No. 35369-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Without objection by Council, the Mayor advised that the public hearing would be closed.

HEALTH DEPARTMENT-CITY PROPERTY-LEASES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed lease of City-owned property located at 515 and 530 Eighth Street, S. W., Official Tax Nos. 1113111 and 1113210, to the Commonwealth of Virginia, Department of Health, for a period of three years, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, May 13, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager transmitting a measure authorizing the lease was before Council.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35370-052101) AN ORDINANCE authorizing the lease of certain City-owned property to the Commonwealth of Virginia, Department of Health, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35370-052101. The motion

was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to address Council with regard to the matter . There being none, Ordinance No. 35370-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

Without objection by Council, the Mayor declared the public hearing closed.

The Mayor relinquished the chair to the Vice-Mayor.

SIGNS/BILLBOARDS/AWNINGS-SPECIAL PERMITS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen input on a proposed encroachment of an overhead projection sign extending at least 11 feet above the sidewalk and approximately 18 inches into the public right-of-way adjacent to property located at 110 Church Avenue, S. W., Official Tax No. 1012211, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, May 4, 2001 and Friday, May 11, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A communication from the City Manager advising that Burton Electric Signs, on behalf of First Citizens Bank, has requested permission to install a projection sign on the building at 110 Church Avenue, S. W., which will encroach into the public right-of-way; the proposed sign will encroach approximately 18 inches into the right-of-way of Church Avenue and have 11 feet of clearance above the sidewalk; the right-of-way of Church Avenue at this location is approximately 50 feet in width; and liability insurance and indemnification of the City by the property owner will be provided by the property owner, was before Council.

The City Manager recommended that she be authorized to execute the appropriate document granting a revocable license to the property owners at 110

Church Avenue, S. W., for the above described purpose.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following ordinance and dispensing with the second reading of the title paragraph:

(#35371-052101) AN ORDINANCE granting a revocable license to permit the construction and encroachment of an overhead projection sign extending at least eleven (11) feet above the sidewalk and approximately eighteen (18) inches into the public right-of-way adjacent to the property located at 110 Church Avenue, S. W., and bearing Official Tax No. 1012211, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35371-052101. The motion was seconded by Mr. Bestpitch.

The Vice-Mayor inquired if there were persons present who would like to address Council with regard to the matter . There being none, Ordinance No. 35371-052101 was adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, and Harris-----5.

NAYS: None-----0.

(Mayor Smith abstained from voting.) (Council Member Hudson was absent.)

Without objection by Council, the Vice-Mayor declared the public hearing closed.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:

ARMORY/STADIUM-ROANOKE CIVIC CENTER: Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, inquired as to the fate of Victory Stadium in view of Council's previous motion to negotiate for acquisition of property across Orange Avenue from the Roanoke Civic Center for construction of a multi-purpose facility. He requested that Victory Stadium, at its current location, continue to be used by the City.

COMPLAINTS-CITY EMPLOYEES: Mr. Robert Gravely, 1412 Moorman Road, N. W., addressed Council with regard to increased wages for the City work force.

At 8:00 p.m., the Mayor declared the meeting in recess for two closed sessions which were previously authorized by Council.

At 8:50 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance except Council Member Hudson, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Hudson was absent.)

There being no further business, the Mayor declared the meeting adjourned at 8:52 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
